

REMARKS

Claims 18-28 have been rejected under 35 USC 103(a) as unpatentable over Boot in view of Lee. The rejection is respectfully traversed.

Applicant's kindly refer the Examiner to the arguments presented in the previously filed amendment, and provide the additional remarks below. The Examiner states that "Boot does not explicitly disclose the wireless communication network, wherein the base station has the option of transmitting the short message directly to a further mobile terminal for output" but that this limitation is "well known in the art of mobile telecommunications." The Examiner then refers to Lee as disclosing this feature at col. 2, lines 1-56. However, there is no disclosure that either Lee or Boot disclose conversion of the SMS information into TV signals (claim 18), nor would it have been obvious for the skilled artisan to include this feature without using impermissible hindsight. Hence, even a combination of Boot and Lee fails to disclose the claimed invention.

Claims 23, 25 and 26 (each amended to incorporate the limitations of claim 18) are patentably distinct independent of claim 18 for the following reasons. The Examiner cites Boot at col. 3, lines 30-37 as disclosing the feature "wherein during presenting, the short message information is inserted into the TV program" (claim 23). Applicant's respectfully disagree. In the instant application, a short message information is inserted into the TV program instead of presenting the short message information in the videotext of the corresponding TV program, as disclosed in Boot. By inserting a short message information into the TV program it is possible to reach a large amount of receivers directly. This is not possible with the known communication method according to Boot. A receiver does not know whether there is a short message information presented in the videotext of the corresponding TV program without any further notice. The receivers need a further message, like a short message information (SMS) or a phone call, which indicates that there is a short message information presented in the videotext. By the communication method according to Boot, it is not possible to reach a large number of receivers directly, very fast and very cheap.

With respect to claim 25, the Examiner cites col. 5, lines 31-35 of Boot as disclosing the feature “wherein during presenting, the short message information is inserted on the TV set in the form of a scrolling display” (claim 25). Again, Applicant’s respectfully disagree with the Examiner. In contrast to the Examiner’s comment regarding inherency of the feature, one of ordinary skill in the art would not have recognized that the device must have means to visualize a long document by moving the text vertically or horizontally across the screen. First, there is no teaching or disclosure in Boot to visualize the short message information in the form of a scrolling display. Moreover, a scrolling display is not used in videotext presentations. It is typical for videotext presentations to show the different sides one after the other, but not in the form of a scrolling display.

Additionally, the feature “wherein during presenting, short message information from different mobile terminals is presented simultaneously on the TV set” (claim 26) is not disclosed in Boot. Specifically, there is no disclosure in Boot at col. 5, lines 30-37 that short message information from different mobile terminals is presented simultaneously on the TV set. Boot does not disclose that short message information from different mobile terminals are presented simultaneously on the TV in form of a scrolling display and especially not inserted into the TV program.

Since the recited structure and method are not disclosed by the applied prior art (either alone or in combination), claims 18, 23, 25 and 26 are believed patentable. Claims 19-22, 24 and 27-28 are similarly believed patentable since they depend from an allowable independent claim.

Claims 29-34 have been allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122013100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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